### BEFORE THE PUBLIC UTILITIES COMMISSION

## OF THE STATE OF HAWAII

In the Matter of the Application of)

WATERVILLE COMMUNICATIONS, dba WATERVILLE COMMUNICATIONS CORPORATION

For a Certificate of Registration to Provide Intrastate Pay Telephone) Service Within the State of Hawaii.) DOCKET NO. 04-0301

21473 DECISION AND ORDER NO.

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ATTEST: A True Copy

KAREN HIGASHI

Chief Clerk, Public Utilities Commission, State of Hawaii.

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Docket No. 04-0301 Decision and Order No. 21473

#### DECISION AND ORDER

I.

### Introduction

WATERVILLE COMMUNICATIONS, dba WATERVILLE COMMUNICATIONS CORPORATION ("Applicant") requests a certificate of registration ("COR") to provide pay telephone service within the State of Hawaii (the "State"). Applicant makes its request pursuant to Hawaii Revised Statutes ("HRS") § 269-7.5 and Hawaii Administrative Rules ("HAR") §§ 6-80-17 and 6-82-11.

Applicant served a copy of its Application on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). On October 28, 2004, the Consumer Advocate filed its Statement of Position informing the commission that it does not object to approval of the Application.

<sup>&</sup>lt;sup>1</sup>Applicant's application, filed on October 8, 2004 ("Application").

## Description of Applicant and its Proposed Services

Applicant is a California corporation with its principal place of business in La Jolla, California.

Applicant intends to provide intrastate pay telephone service throughout the entire State. However, it appears that Applicant proposes to offer and provide pay telephone services initially on the islands of Oahu and Maui.

III.

#### Discussion

Α.

<u>COR</u>

Upon review of the Application, the commission finds that Applicant has fulfilled the requirements of HAR § 6-80-17(d). Accordingly, the commission will grant Applicant a COR to operate as a pay telephone service provider within the State.

В.

## Proposed Tariff

In its Statement of Position, the Consumer Advocate notes that Applicant's proposed rules and regulations in its proposed tariff, in general, are reasonable since they are similar to tariffs of other current intrastate pay telephone service providers in the State. We agree. Therefore, the

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commission concludes that Applicant's proposed tariff should be approved.

IV.

#### Orders

#### THE COMMISSION ORDERS:

- 1. Applicant is granted a COR to operate as a pay telephone service provider within the State.
- 2. As the holder of a COR, Applicant shall be subject to all applicable provisions of HRS chapter 269; HAR chapters 6-80, 6-81, and 6-82; any other applicable State laws and commission rules; and any orders that the commission may issue from time to time.
- 3. Applicant shall file its tariffs in accordance with HAR §§ 6-80-39 and 6-80-40. Applicant's tariffs shall comply with the provisions of HAR chapters 6-80 and 6-82. In the event of a conflict between any tariff provision and State law, State law shall prevail.
- 4. Applicant shall conform its initial tariff to the applicable provisions of HAR chapters 6-80 and 6-82. An original and eight (8) copies of the initial tariff shall be filed with the commission, and two (2) additional copies shall be served on the Consumer Advocate. Applicant shall ensure that the appropriate issued and effective dates are reflected in its tariffs.
- 5. Within thirty (30) days from the date of this decision and order, Applicant shall pay a public utility fee of \$60, pursuant to HRS § 269-30. The business check shall be made

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payable to the Hawaii Public Utilities Commission, and sent to the commission's office at 465 S. King Street #103, Honolulu, HI, 96813.

6. Failure to promptly comply with the requirements set forth in paragraphs 3 to 5 may constitute cause to void this decision and order, and may result in further regulatory action, as authorized by law.

				NOV 2 4 <b>2004</b>
DONE	at	Honolulu,	Hawaii	

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Carlito P. Caliboso, Chairman

By Maynd H. Kimura, Commissioner

By Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Kris N. Nakagawa Commission Counsel

#### CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No.</u> 21473 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

MONIQUE BYRNES
TECHNOLOGIES MANAGEMENT, INC.
P.O. Drawer 200
Winter Park, FL 32789-0200

Consultant to WATERVILLE COMMUNICATIONS, dba WATERVILLE COMMUNICATIONS CORPORATION

Karen Higashi

DATED: NOV 2 4 2004